

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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GARY DUBOIS,

Petitioner,

-against-

21 CIVIL 10357 (MKV)

JUDGMENT

MICHAEL CAPRA,

Respondent.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated February 25, 2025, the Court ADOPTS the Report and Recommendation in full. The Petition is DENIED. The Court declines to issue a certificate of appealability because Petitioner has failed to make a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2). The Court further certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal from this Order would not be taken in good faith and thus Petitioner may not proceed in forma pauperis for any such appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). Accordingly, the case is closed.

Dated: New York, New York

February 25, 2025

TAMMI M. HELLWIG
Clerk of Court

BY:



Deputy Clerk